

FILED

FEB 15 2023

Montana Water Court

STATE OF MONTANA)
) ss.
COUNTY OF RAVALLI)

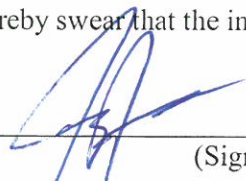
VERIFIED MOTION TO AMEND WATER RIGHT CLAIM

(Describe the proposed amendment, and the historical use of the water right as it relates to the proposed amendment. If the proposed amendment involves the place of use, acres irrigated, point of diversion, or source of the water right, attach a map showing the proposed amendment.)

76H 147812 00 & 76H 214439 00

The purpose of this motion is to add a historic groundwater pond (0.68 surface acres and 10 feet deep, capacity of 2.72 AF) that is part of the historical use of these wells (Water Right No. 76H 147812 00 & 76H 214439 00). Specifically, the wells were used to supplement this groundwater pond as well as provide water to the beaver pens. Historically, two wells (76H 147812 00 & 76H 214439 00) were used to provide water for the beaver pens and supplement the levels in the groundwater pond when needed. Water was pumped from the wells and stored in the groundwater pond and water would run from the pond down to the beaver pens. This created additional beaver habitat. This pond has been in existence from the earliest available aerials (1954) to the present, and information from the previous owner clarified this historic use (see attached affidavit). Attached are proposed abstracts and maps that display the correct information for the water use from these wells (adding groundwater pond to the abstract).

I hereby swear that the information contained in this Verified Motion is true.



(Signature)

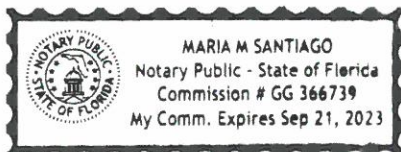
2-1-23

(Date)

(Signature)

(Date)

Subscribed and Sworn to before me this 1st day of February, 2023.



(NOTARY SEAL)



Notary Public

Print Name

Residing at:

My Commission Expires:

Maria M Santiago

Melbourne, FL

9/21/23

AFFIDAVIT

STATE OF MONTANA
COUNTY OF RAVALLI

I, Robert Vining, am 69 years of age and reside near Hamilton, Montana. I was raised on the Vining Ranch (GAR, Inc), which is located to the southwest of Hamilton, Montana. I have extensive knowledge and history with the irrigation and other uses of the ranch, and was responsible for much of it as I grew up.

This affidavit is to explain the historic use of the beaver pens located in the SENWSE of Sec. 35; T6N R21W, including the two wells and pond that was associated with the pens.

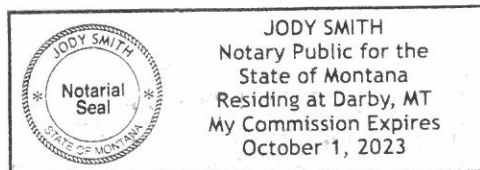
Specifically, the water from the wells could either be pumped into the pond (via pipes) or directly to the beaver pens, and eventually back to the Bitterroot River. As far back as I can remember, the pond was part of the beaver pen system. I remember that it would stay relatively full without water from the wells, but water from the wells was needed to provide enough flow to supply the down-gradient beaver pens.

PERSONALLY came and appeared before me, the undersigned Notary, the within named Robert Vining, who is a resident of Ravalli County, State of Montana, and makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his knowledge.

DATED this the 26 day of January, 2023.

Robert Vining
Signature of Affidavit

SWORN to and subscribed before me, this 26th day of January, 2023.



Jody Smith
NOTARY PUBLIC

My Commission Expires:

10-01-2023

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76H 147812-00 STATEMENT OF CLAIM
Version: 2 -- POST DECREE

Version Status: ACTIVE

Owners: YC PROPERTIES LLC
1050 SATCOM LN
MELBOURNE, FL 32940-7010

Priority Date: DECEMBER 31, 1948

Enforceable Priority Date: DECEMBER 31, 1948

Type of Historical Right: FILED

Purpose (use): COMMERCIAL
BEAVER PENS

Maximum Flow Rate: 100.00 GPM

Maximum Volume: 39.77 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SEWSE	35	6N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SEWSE	35	6N	21W	RAVALLI

Geocodes/Valid: 13-1467-35-1-01-06-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/15/94.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 137701 RECEIVED 05/20/1996.

OWNERSHIP UPDATE TYPE 608 # 208860 RECEIVED 07/27/2020.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE PO BOX 201601 HELENA, MT 59620-1601

PROPOSED GENERAL ABSTRACT

Water Right Number: 76H 147812-00 STATEMENT OF CLAIM
Version: 2 – POST DECREE
Version Status: ACTIVE

Owners: YC PROPERTIES, LLC
1050 SATCOM LANE
MELBOURNE, FL 32940

Priority Date: DECEMBER 31, 1948
Enforceable Priority Date: DECEMBER 31, 1948

Type of Historical Right: FILED

Purpose (use): COMMERCIAL
BEAVER PENS
Maximum Flow Rate: 100.00 GPM

Maximum Volume: 39.77 AC-FT

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	35	6N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31
Diversion Means: WELL

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SE	35	6N	21W	RAVALLI

Diversion to Reservoir: GROUNDWATER
Surface Area: 0.68 ACRES
Depth: 10.00 FEET
Capacity: 2.72 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

PLACE OF USE:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2SE	35	6N	21W	RAVALLI

Geocodes/Valid: 13-1467-35-1-01-06-0000

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76H 214439-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: YC PROPERTIES LLC
1050 SATCOM LN
MELBOURNE, FL 32940-7010

Priority Date: DECEMBER 31, 1949

Enforceable Priority Date: DECEMBER 31, 1949

Type of Historical Right: USE

Purpose (use): COMMERCIAL
BEAVER PENS

Maximum Flow Rate: 100.00 GPM

Maximum Volume: 161.30 AC-FT

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	35	6N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Casing Diameter: 8.00 INCHES

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWSE	35	6N	21W	RAVALLI

Geocodes/Valid: 13-1467-35-1-01-06-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. W147812-00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 137701 RECEIVED 05/20/1996.

OWNERSHIP UPDATE TYPE 608 # 208860 RECEIVED 07/27/2020.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE PO BOX 201601 HELENA, MT 59620-1601

PROPOSED GENERAL ABSTRACT

Water Right Number: 76H 214439-00 STATEMENT OF CLAIM
Version: 1 – ORIGINAL RIGHT
Version Status: ACTIVE

Owners: YC PROPERTIES, LLC
1050 SATCOM LANE
MELBOURNE, FL 32940

Priority Date: DECEMBER 31, 1949
Enforceable Priority Date: DECEMBER 31, 1949

Type of Historical Right: USE

Purpose (use): COMMERCIAL
BEAVER PENS

Maximum Flow Rate: 100.00 GPM

Maximum Volume: 161.30 AC-FT

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	35	6N	21W	RAVALLI

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: WELL

Casing Diameter: 8.00 INCHES

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2SE	35	6N	21W	RAVALLI

Diversion to Reservoir: GROUNDWATER

Surface Area: 0.68 ACRES

Depth: 10.00 FEET

Capacity: 2.72 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

PLACE OF USE:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2SE	35	6N	21W	RAVALLI

Geocodes/Valid: 13-1467-35-1-01-06-0000

Motion to Amend 76H 147812 00 & 76H 214439 00
July 23, 1954 Earth Explorer Aerial Map



Legend

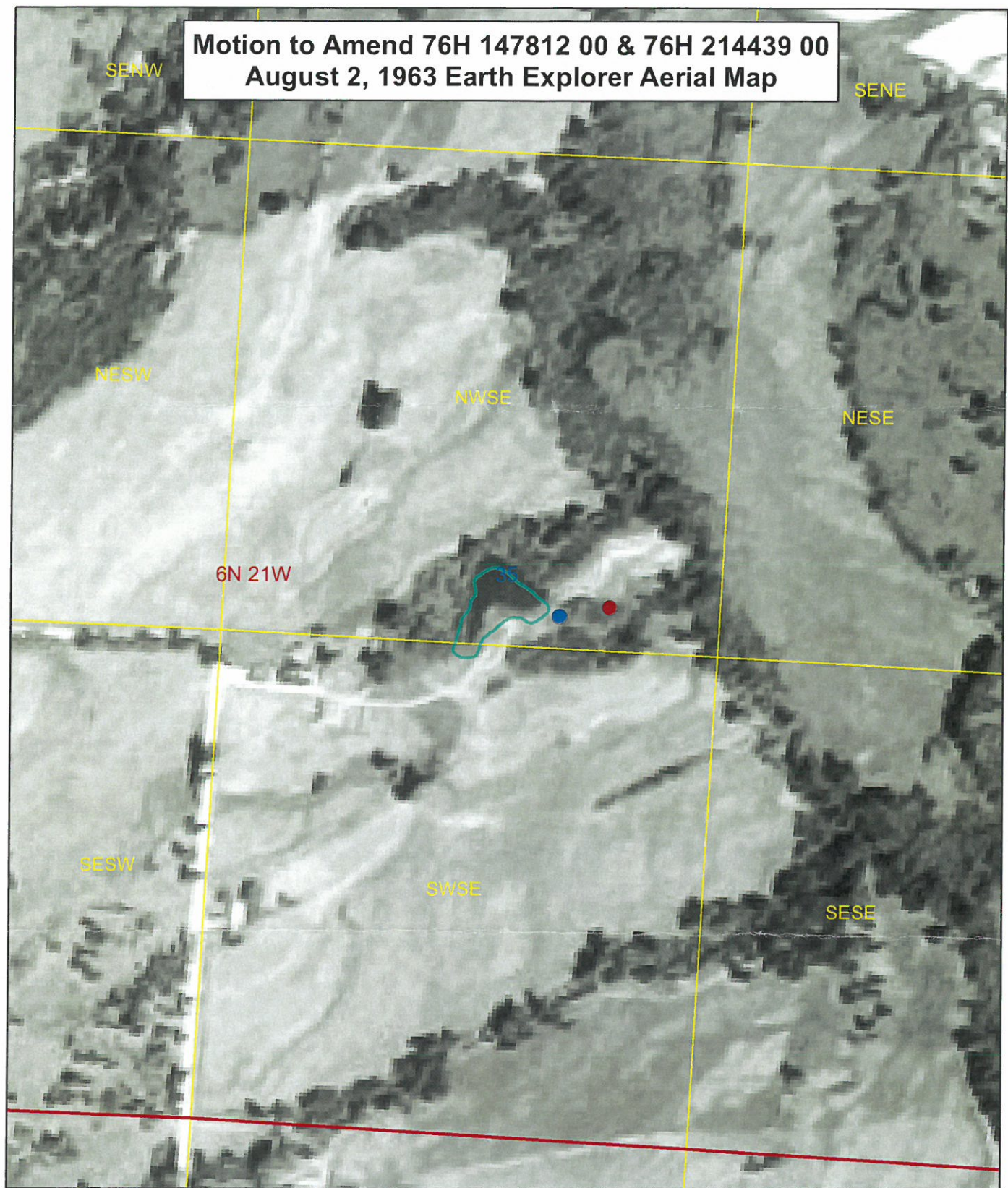
- 76H 214439 00 Well POD
- 76H 147812 00 Well POD
- Commercial Pond (0.68 Ac)
- Township/Range
- Section
- QQ

0 330 660 1,320 Feet

1/23/1954 Earth Explorer Aerial
 NAD 1983
 MT State Plane
 Ravalli County



**Motion to Amend 76H 147812 00 & 76H 214439 00
August 2, 1963 Earth Explorer Aerial Map**



Legend

● 76H 214439 00 Well POD

● 76H 147812 00 Well POD

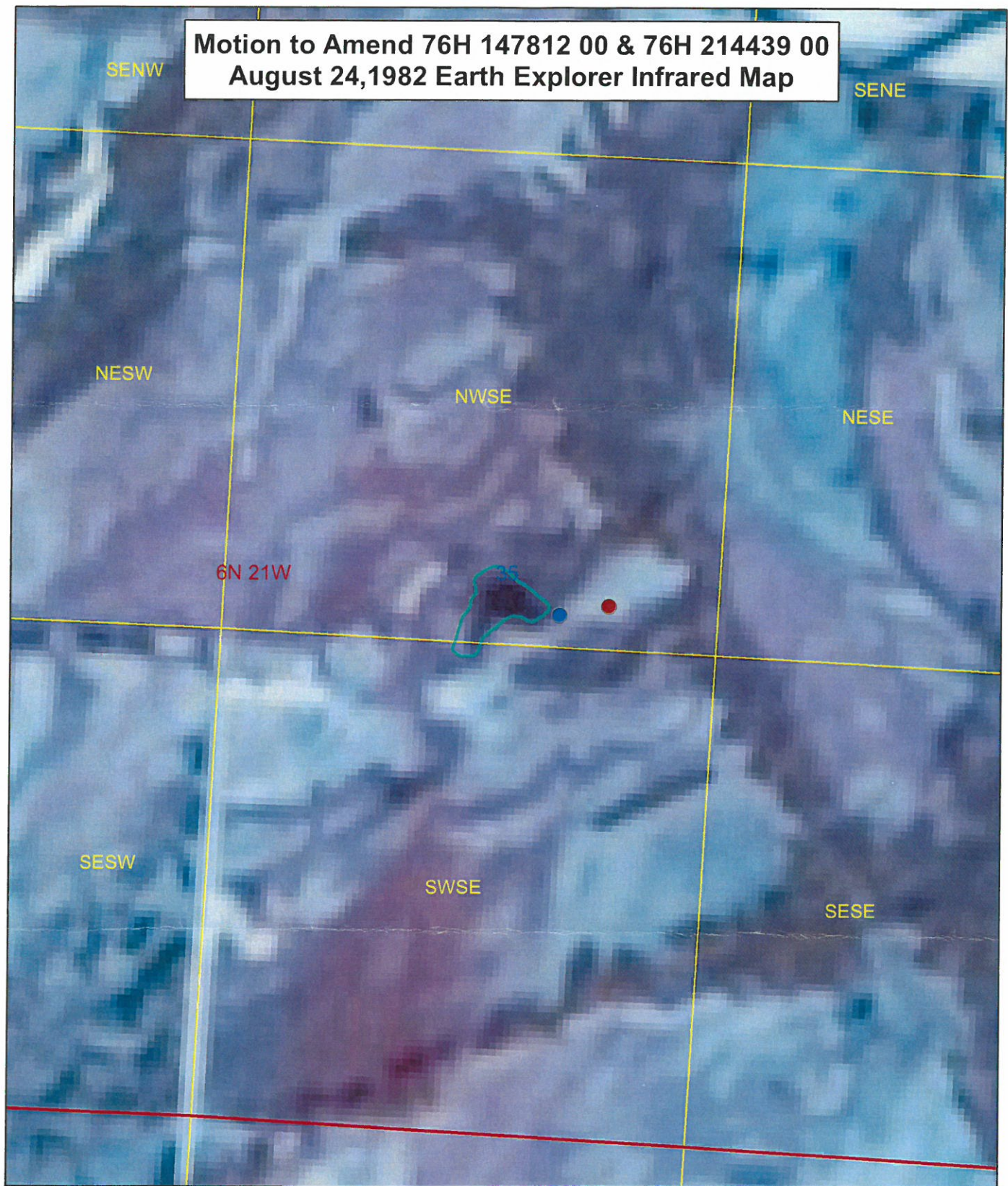
Commercial Pond (0.68 Ac)

0 330 660 1,320 Feet

8/2/1963 Earth Explorer Aerial
NAD 1983
MT State Plane
Ravalli County



**Motion to Amend 76H 147812 00 & 76H 214439 00
August 24, 1982 Earth Explorer Infrared Map**



Legend

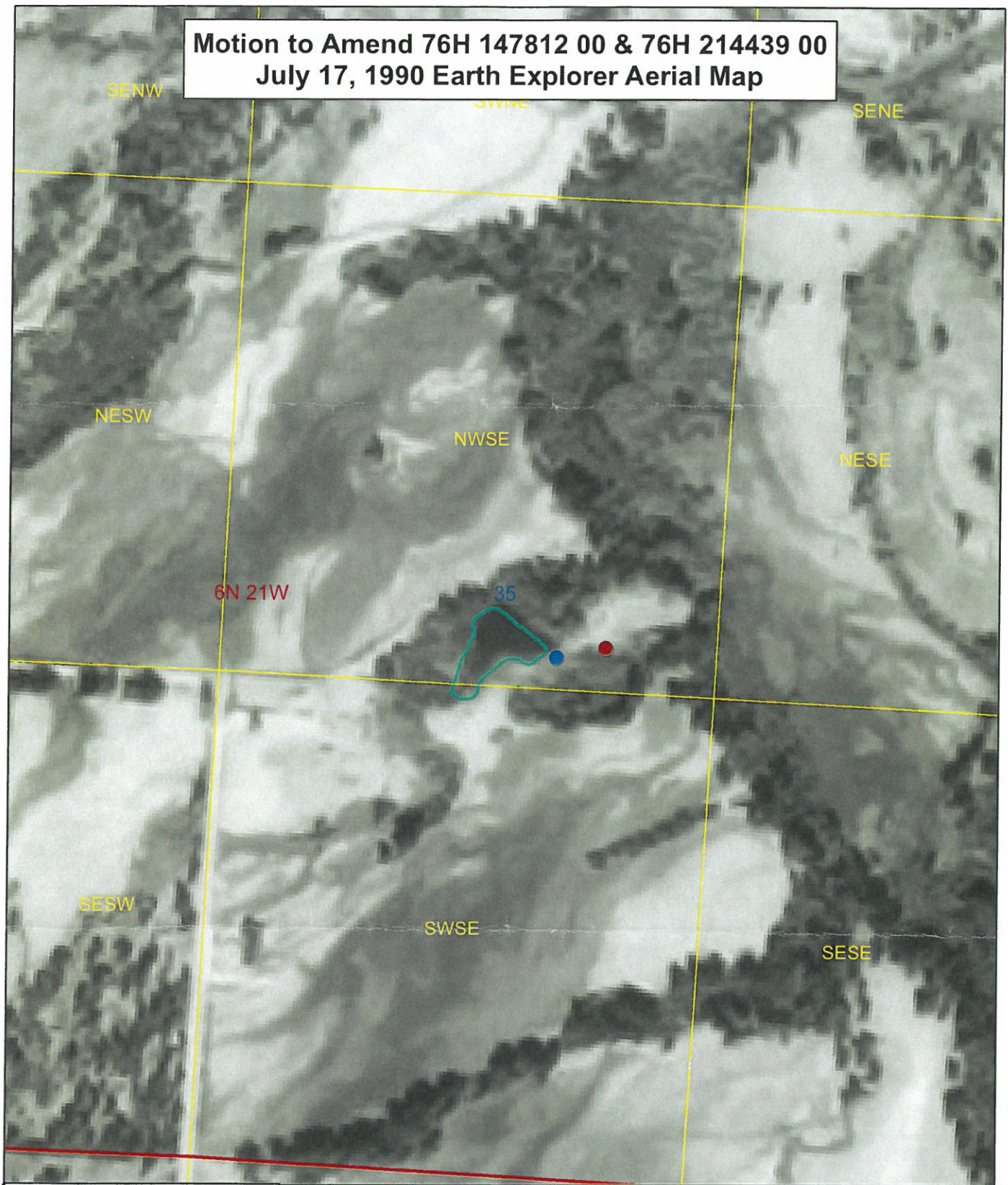
- 76H 214439 00 Well POD
- 76H 147812 00 Well POD
- Commercial Pond (0.68 Ac)

0 330 660 1,320 Feet

8/24/1982 Earth Explorer Infrared Aerial
NAD 1983
MT State Plane
Ravalli County



**Motion to Amend 76H 147812 00 & 76H 214439 00
July 17, 1990 Earth Explorer Aerial Map**



Legend

- 76H 214439 00 Well POD
- 76H 147812 00 Well POD

Commercial Pond (0.68 Ac)

0 330 660 1,320 Feet

7/17/1990 Earth Explorer Aerial
NAD 1983
MT State Plane
Ravalli County



**Motion to Amend 76H 147812 00 & 76H 214439 00
2017 NAIP Aerial Map**



Legend

● 76H 214439 00 Well POD

● 76H 147812 00 Well POD

Commercial Pond (0.68 Ac)

0 330 660 1,320 Feet

2017 NAIP Aerial
NAD 1983
MT State Plane
Ravalli County

